

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
01-28-2014
7:03 – 7:45 P.M.

With Mayor Bill Sheckles presiding, the City Council met in a regular session in the Council Chambers with the following Councilmen:

Councilman Joe Buckman
Councilman Francis Lydian
Councilman Tommy Reed
Councilman John Royalty
Councilman Bobby Simpson
Councilman Roland Williams

Others present: Assistant City Administrator Larry Green, Director of Public Works and Engineering Larry Hamilton, City Civil Engineer Jessica Filiatreau, City Attorney Tom Donan, City Clerk Barbie Bryant, Fire Chief Marlin Howard, Police Chief Rick McCubbin, Bardstown Nelson County Volunteer Fire Firefighters' Chair Neal Pyle, The Kentucky Standard reporter Randy Patrick, Nelson County Gazette reporter Jim Brooks, WBRT Radio Co-Owner Roth Stratton, and citizens Bert May, John Selent, Kandice Walton and Kim Hornick.

KY WASTE TIRE CRUMB RUBBER GRANT – RECREATION DEPARTMENT

Mayor Sheckles and Assistant City Administrator Larry Green provided an overview of the Kentucky Waste Tire Crumb Rubber Grant and explained how funds from this matching grant would be used to replace and upgrade the existing mulch at two community playgrounds. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED, AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION TO AUTHORIZE THE MAYOR TO SIGN AND EXECUTE THE GRANT APPLICATION, WAS APPROVED.**

HISTORICAL REVIEW BOARD RECOMMENDATIONS

Mayor Sheckles presented the following Historical Review Board recommendations:

- (a) COA-14-02. Kandice Walton, Applicant/Owner proposes to construct a new commercial building on Raspberry Alley. Recommendation: Approval of accessory structure demolition with the conditions that the new construction be started within 6 months of the date of demolition and a Zoning Compliance Permit for demolition to not be issued until such time as the variance is considered and approved and all requirements of a COA for new construction have been satisfied.
Recommendation: Approval of all plans, materials, and colors submitted by said Applicant with the conditions that a site plan showing the location and materials of the driveway, parking areas, landscaping, and open space be submitted prior to the issuance of the Zoning Compliance Permit; lighting specifications, materials, and colors be submitted; the variance be approved by the BOA; new construction will be started within 6 months of the demolition.
- (b) COA-13-70. Neelkanth Oil Company, Applicant, and Norma Rapier, Owner, propose to replace standing sign and gas pump covers at 450 East Stephen Foster. Recommendation: Approval of the gas pump covers and sign with the condition that the digital numbers will be replaced by changeable, non-lighted numbers to be administratively approved.
- (c) COA-14-01. Keene and Catherine Clements, Applicants/Owners, propose to clean and change the lettering on the awning, open three bricked-in windows in the back, and replace the rear entrance door with a double, commercial grade door at 122 North Third Street. Recommendation: Approval of the awning, window, and door changes pending administrative approval of the rear entrance door and design and color for the awning.
- (d) COA-14-03. Cindy Thomas, Applicant, McCoy Enterprises, Owner, propose to install a window sign, bracketed sign, and decorative barrel at 208B North Third Street. Recommendation: Approval of the window sign, bracketed sign, and decorative barrel.

UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS FOR COA'S #14-02, #13-70, #14-01 AND #14-03 WERE APPROVED WITH THE RECOMMENDED CONDITIONS SET FORTH BY HRB.

DRB-204 FRYE PROPERTIES

The Development Review Board reviewed and recommended approval of the site, building, landscaping, and lighting plans for 4 mini-warehouse buildings (total 19,360 sf) on Buchanan Boulevard (Lots #70-78, Stephen Foster Industrial Park) for Frye Properties. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD, WITH CONDITIONS, WAS APPROVED.**

DRB-205 KIP AND LETECIA FILIATREAU

The Development Review Board reviewed and recommended approval of the site, building, landscaping, and lighting plans for a 42' x 161' (6,762 sf) mini-warehouse at 225 Parkway Drive for Kip and Letecia Filiatreau.

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD, WITH CONDITIONS, WAS APPROVED.

MINUTES

The minutes from the 01-14-2014 Regular Council meeting were presented. Councilman Royalty made a correction to the report given by Councilman Lydian. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE MINUTES WERE APPROVED WITH THE FOLLOWING CORRECTION:**

[COMMITTEE REPORTS

Councilman Lydian gave an update on the property at 709 W. Stephen Foster Avenue. Although the ~~Kentucky Department for Environmental Protection~~ **KENTUCKY DIVISION OF WASTE MANAGEMENT** had received complaints about the property, they did visit the property but did not find it in violation.]

FINANCIAL REPORT

The first six months of the year financial report was presented. The Mayor suggested we may have to purchase a new police car for the police chief.

SECOND READING – ORDINANCE B2014-01 JUNK, SECONDHAND AND SCRAP DEALERS

City Clerk Bryant presented the summary of Ordinance B2014-01 for a second reading. Below is the ordinance in its full capacity:

ORDINANCE NO. B2014 – 01

AN ORDINANCE OF THE CITY OF BARDSTOWN, KENTUCKY, REQUIRING DETAILED REGISTRATION OF PURCHASES MADE BY JUNK, SECONDHAND AND SCRAP DEALERS WITH LEADS ON LINE; PLACING A 5 DAY-WAITING PERIOD BEFORE THE SALE OF SUCH PURCHASES; PENALTIES FOR FAILURE TO COMPLY

WHEREAS, the City of Bardstown believes it is in the best interest of the public's health, safety and welfare to impose new and more stringent requirements on junk, secondhand and scrap dealers; and

WHEREAS, these requirements are designed to minimize crime, particularly theft and receipt of stolen property, and to assist all police agencies in combating theft and locating stolen property; and

WHEREAS, it is the desire of the City of Bardstown to impose these requirements to assist all police departments in crime prevention,

NOW, THEREFORE, BE IT ORDAINED by the City Council, of the City of Bardstown, Kentucky as follows:

SECTION 1: DEFINITIONS.

For purposes of this ordinance pertaining to junk, secondhand and scrap dealers, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMODITY METALS. Any metal containing primarily brass, copper, copper alloy, aluminum, stainless steel, or magnesium, or any other metal trading on the commodity markets that trades in pounds, rather than ounces, except aluminum single serving beverage cans shall not be considered commodity metals.

FERROUS METALS. Any metal consisting primarily of iron or steel

INVESTMENT PURPOSES. The purchase of regulated property by persons and the retention of that property in the same form as purchased, for resale to persons who are purchasing the property primarily as an investment.

LEADS ON LINE. Web based electronic reporting service used by law enforcement to recover stolen property. leadsonline.com

MINOR. Any person under the age of 18 years.

MOTOR VEHICLE DEALERS. Any person who exclusively deals in new or used cars.

PERSON. Any individual, owner, agent, partnership, corporation or other business entity.

PRECIOUS METALS. Any metal that is valued for its character, rarity, beauty, quality, or worth, including, but not limited to gold, silver, platinum or any other such metals, whether as separate items or in combination as a piece of jewelry.

PURCHASE. To obtain regulated property by paying money or giving other valuable consideration in a voluntary transaction. However, purchases under this ordinance do not include transactions in which regulated property is obtained by the loan of money or on condition of selling regulated property back to the individual from whom it came at a stipulated price.

REGULATED PROPERTY. The following property, which is used or secondhand:

- (1) Commodity and precious metals.
- (2) Gems, including but not limited to, any gem that is valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or any other such gems or stones, whether as a separate item or in combination as a piece of jewelry.
- (3) Jewelry containing metals or gems, including but not limited to, rings, necklaces, pendants, earrings, brooches, bracelets, or chains.
- (4) Watches, including but not limited to, pocket watches, wrist watches, or stop watches.
- (5) Sterling silver, including but not limited to, flatware, candleholders, coffee and tea sets, ornamental objects, champagne flutes, wineglasses, or serving pieces such as platters, bowls, trays, water pitchers, open bakers, ice buckets, shell dishes or salt and pepper shakers.
- (6) Audio equipment and accessories, including but not limited to, tape players, tape decks or players, compact/digital disc players and compact discs, sound metering devices, tuners, amplifiers, speakers, transceivers, equalizers, receivers, phonographs, turntables, stereos, radios, clock radios, satellite radios, car stereos, car speakers, radar detectors, broadcasting equipment or citizen band radios/transceivers.
- (7) Video and digital equipment and accessories, including but not limited to, televisions, videotape or digital videodisc recorders, videotape or digital videodisc players, video cameras, video monitors, video games, digital video discs or video game consoles.
- (8) Photographic and optical equipment and any accompanying bags, including but not limited to, cameras, camera lenses, camera filters, camera motor drives, light meters, flash equipment, movie projectors, slide projectors, photography processing equipment, photography enlarging equipment, binoculars, telescopes, opera glasses, microscopes, surveying equipment, rifle scopes, spotting scopes, or electronic sighting equipment.
- (9) Electrical office equipment, including but not limited to, telefax machines, laser printers, copiers, duplicators, typewriters, calculators, cash registers, transcribers, dictaphones, computers, modems, monitors, or any computer equipment or accessories having uniquely identifiable parts.
- (10) Power yard and garden tools, including but not limited to, garden tractors, lawn mowers, rototillers, lawn sweepers, weed or brush cutters, edgers, trimmers, blowers, chippers, shredders, or ladders.
- (11) Power equipment and tools, including but not limited to, air hammers, air tools, nail guns, power staplers, power saws, power sanders, chainsaws, power planers, power drills, routers, lathes, joiners, shop vacuums, paint sprayers and accessory equipment, generators, air compressors, pressure washers or logging equipment.
- (12) Automotive and hand tools, including but not limited to, wrench sets, sockets sets, screw driver sets, pliers, vise grips, tool boxes, auto body hammers, jacks or timing lights.
- (13) Telephones or telephone equipment, including but not limited to, office telephones, portable home telephones, mobile telephones, cellular telephones or answering machines.
- (14) Sporting equipment, including but not limited to, bicycles, golf clubs and bags, pool cues or cases, skis, ski boots, snowboards, fishing rods or reels, or skates.
- (15) Outboard motors and boating accessories, including but not limited to, outdrives, props, inboard engines, boat covers, tops or unlicensed boat trailers.
- (16) Microwave ovens.
- (17) Motor vehicles, other than as set forth in subsection (18)(a), below.
- (18) Regulated property does not include any of the following property:
 - (a) Motor vehicles dealt in by motor vehicle dealers;
 - (b) Boats;
 - (c) Books, magazines, beta and VHS video tapes, and comic books;
 - (d) Glassware, objects d'art, or sports cards and sports memorabilia;
 - (e) Furniture;
 - (f) Refrigerators, stoves, washers, dryers and other similar major household appliances;
 - (g) Property purchased at an auction;
 - (h) Property purchased from another person, who is in a business, as described in Section 2;
 - (i) Postage stamps, stamp collections and philatelic items;
 - (j) Clothing;

- (k) Ferrous metals, including items listed in subsections (6) through (16) above, when purchased by a scrap processor and which items are in such condition that their highest and primary value is either in sale or transfer as scrap metal.
- (l) Commodity or ferrous metals purchased by a scrap processor from a manufacturing, industrial or other commercial vendor that generates such metals in the ordinary course of business.
- (m) A total of four (4) or less compact discs, digital video discs, and/or video games purchased in any combination from a single seller in a 24-hour period.

SCRAP PROCESSORS. Any person who utilizes torches, sheers, balers, presses, or shredders to manufacture scrap metal for re-melting purposes only.

SECTION 2: COMPLIANCE REQUIRED.

Every person engaged in, conducting or carrying on any business in the City of Bardstown, Kentucky wherein he or she purchases, in the course of his or her business, regulated property from another person shall comply with all the provisions of this ordinance.

SECTION 3: TRANSACTION RECORD OF PURCHASES.

(A) Every person carrying on any business as set forth in Section 2 shall keep a transaction record for each purchase, which shall contain: the name of the person on behalf of the business, as set forth in Section 2 who actually made the purchase, the name of the person or persons and his or her signature from whom any regulated property is purchased, an electronically retained copy of a government-issued photo identification, including the information obtained from scanning the bar code on the back of a government-issued photo identification of the person or persons from whom any regulated property is purchased, the date when the property was received and bought, the residence or place of business of such person or persons from whom the regulated property is purchased, the license plate number of the motor vehicle in which the regulated property was transported to the business, and a description which accurately depicts the regulated property purchased. The transaction record shall be in plain, legible English text. Except for scrap metal processors purchasing commodity and precious metals, if any item of regulated property purchased has engraved thereon any numbers, words, or initials, other than the name of the manufacturer or maker of the item, or contains any setting of any kind, the description recorded on the transaction record shall show the numbers, initials or other unique identifying marks. In the case of a motor vehicle, the vehicle identification number shall be recorded on the transaction record with the license plate number and make, model and description of the motor vehicle.

(B) All transactions which qualify under this ordinance shall be registered with Leads on Line within 24-hours of the receipt of the property.

(C) It shall be the duty of any purchaser of regulated property to allow any police officer designated by the police agency during regular business hours to examine and inspect transaction records, and if sufficient information cannot be gained from an inspection of transaction records, it shall be the duty of any person to permit and allow the officer to examine any and all regulated property belonging to or purchased by such person. A transaction record and digital photograph, in accordance with Section 6, if applicable, for a purchase shall be maintained together on the premises for at least one year after the date of such purchase.

(D) Every person carrying on business as set forth in Section 2 shall give a plain written or printed receipt of the regulated property purchased.

(E) All described records shall be retained for a minimum of three (3) years.

SECTION 4: TRANSACTING BUSINESS WITH MINORS.

No person carrying on any business as set forth in this ordinance shall purchase from a minor any regulated property as defined in Section 1 unless accompanied by a parent or legal guardian during the transaction.

SECTION 5: EXAMINATION OF BOOKS.

Any sworn law enforcement officer may examine during regular business hours the books of any person doing business as set forth in this ordinance, or his or her clerk, if they deem it necessary when in search of stolen property. Any person who has in his or her possession a receipt from selling regulated property to a person carrying on a business as described in this ordinance, shall, when accompanied by a sworn law enforcement officer, be permitted to examine regulated property purporting to be sold by that receipt. No property shall be removed from the possession of any person doing business as set forth in Section 2 without due process of law as required by the existing laws of the Commonwealth of Kentucky, or the laws and ordinances of the City of Bardstown.

SECTION 6: REGULATED PROPERTY SALE LIMITATIONS.

No regulated property purchased by a person carrying on a business as described in Section 2 shall be sold, altered or destroyed for a period of five (5) full days after the date of purchase or five (5) days after registration of the property with Leads On Line, whichever occurs later. The regulated property must be kept uncommingled, along with a copy of the transaction record, as set forth in Section 3, on the premises of the business location during the holding period for purposes of inspection, if necessary, as provided by this ordinance. This section shall not apply if a digital recording or photograph, which accurately depicts the regulated property items of the transaction, is taken and retained together with the transaction record, as provided by Section 3 for at least one (1) year from the date of purchase.

SECTION 7: SEVERABILITY.

If any section, paragraph, clause or provision of this ordinance shall be held invalid or ineffective for any reason, the remainder hereof shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this ordinance would have been adopted despite the invalidity of such section, paragraph, clause or provision.

SECTION 8: PENALTIES.

(A) Any person who violates the provisions of Section 3 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense or incarcerated up to 90 days in jail or both. Each day such person, firm or corporation shall neglect or refuse to comply with or violate any of the provisions of that section shall constitute a separate offense.

Any person convicted of a second or subsequent offense under Section 3 shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or incarcerated up to 180 days in jail or both.

(B) Any person who violates the provisions of Section 4 shall be fined one hundred dollars (\$100), or incarcerated up to 50 days in jail or both. For a second or subsequent offense any person shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or incarcerated up to 180 days in jail or both.

(C) Any person who violates the provisions of Section 5 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(D) Any person who violates the provisions of Section 6 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(E) Any person convicted of any of the above offenses shall be subject to other administrative penalties, including and not limited to revocation of the business license.

This ordinance or parts of ordinance in conflict herewith are repealed to the extent of such conflict.

This ordinance shall be in full force and effect following publication as required by law.

UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN WILLIAMS, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN REED	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN BUCKMAN	-	AYE

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2014-01 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING – ORDINANCE B2014-02 TELECOMMUNICATION SYSTEMS FRANCHISE

City Clerk Bryant presented Ordinance B2014-02 for a second reading.

ORDINANCE NO. B2014-02

AN ORDINANCE RELATING TO THE CREATION OF A NON-EXCLUSIVE FRANCHISE TO USE THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF BARDSTOWN FOR THE OPERATION AND MAINTENANCE OF A TELECOMMUNICATIONS SYSTEM

WHEREAS, the City of Bardstown recognizes the benefits of the development of local telecommunications systems; and

WHEREAS, the City of Bardstown is required to publicly bid any franchise that it awards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BARDSTOWN, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

1. A non-exclusive franchise to use the public rights-of-way of the City of Bardstown in the Commonwealth Kentucky for the operation and maintenance of a telecommunication system is hereby created.
2. The Franchise Agreement, which shall be executed with respect to the non-exclusive franchise to use the public rights-of-way of the City, shall be substantially the same as the Agreement, which is attached to this Ordinance and shall be made a part hereof as if copied in full herein;
3. The franchise created by this Ordinance shall be bid in accordance with the requirements of the Constitution of the Commonwealth of Kentucky, KRS Chapter 424, and all applicable City Ordinances, if any. The

specifications for this bid shall be as set forth in the attached Franchise Agreement. All bidders must agree to comply with these specifications.

4. The franchise created by this Ordinance shall be awarded to the best bidder as shall be determined by and within the sole discretion of the City. In awarding the franchise, the City shall consider the technical, managerial and financial qualifications of the bidder to perform its obligations under the Franchise Agreement.

5. All prior Municipal Orders or Ordinances, or parts of any Municipal Order or Ordinance, in conflict herewith are hereby repealed.

6. This Ordinance is adopted by the City Council of the City of Bardstown pursuant to KRS 83A.060 in that it was introduced on January 14, 2014, and given final reading on January 28, 2014, and said Ordinance shall be in full force and effect upon signature, recordation and publication pursuant to KRS Chapter 424.

UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN SIMPSON, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN REED	-	AYE
COUNCILMAN SIMPSON	-	AYE

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2014-02 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING – ORDINANCE B2014-03 MOBILE FOOD VENDORS

City Clerk Bryant presented the summary of Ordinance B2014-03 for a second reading. Below is the ordinance in its full capacity:

ORDINANCE B2014-03

AN ORDINANCE REGULATING THE OPERATIONS OF MOBILE FOOD VENDORS IN THE CITY OF BARDSTOWN; REQUIRING A PERMIT; AND FOR OTHER PURPOSES

WHEREAS: The City of Bardstown recognizes that the numbers of mobile food vendors are on the rise nationwide, as well as in our surrounding communities; and

WHEREAS: The current city ordinances and zoning regulations need to be modified to meet the growing demands of the mobile food vending businesses to operate locally.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KY AS FOLLOWS:

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEVERAGES. Shall mean drinkable, nonalcoholic liquids prepared for immediate human consumption and may be served only in cans, paper or Styrofoam cups or plastic containers. No glass.

FOOD. Food prepared for immediate human consumption, including condiments and prepackaged foods, all as allowed by the Kentucky Department of Health and Family Services.

LOCATION. Any lot or set of contiguous lots, with the same owner.

MOBILE FOOD VENDOR. A food vendor who conducts business from a food establishment on wheels or is otherwise mobile, and which only sells food and beverages.

PRIVATE PROPERTY. All property not included within the definition of public property or public place.

PUBLIC PROPERTY or **PUBLIC PLACE** means any place, property or premises dedicated to public use, owned by the City of Bardstown, occupied by the City of Bardstown as a lessee, or occupied by the City of Bardstown by reason of an easement, including, but not limited to streets, parks or parking lots so owned or occupied.

PERMIT REQUIRED

A. It shall be unlawful for any mobile food vendor to engage in business within Bardstown without obtaining a City of Bardstown Special Mobile Food Vendor Permit in compliance with the provisions of this chapter.

- B. Unless otherwise exempted, every mobile food vendor, in order to do business within Bardstown, shall have a valid City of Bardstown Business License and shall be subject to the required Net Profits and Occupational License Fee.
- C. A permit shall be required for each vehicle engaged by a mobile food vendor. However, a separate permit is not required for each location. Permits shall include all locations that the mobile food vendor will be located, and a fixed permit period.

PERMIT APPLICATION

- A. The application for a permit shall include:
 - 1. The name, home and business address of the applicant, the name and address of the owner of the business, if other than the applicant.
 - 2. A description of the food and beverages to be sold.
 - 3. A photograph and a description of any vehicle (including the size, license and registration number) to be used in the operation of the business.
 - 4. Two prints of a full-face photograph of any person, taken not more than thirty (30) days prior to the date of the application, who will sell or offer for sale any food or beverage within the City.
 - 5. A copy of the Kentucky Statewide Mobile Food Unit Permit, or a Statewide Retail Food Unit Permit, issued to the applicant.
 - 6. Proof of an insurance policy, issued by an insurance company licensed to do business in the Commonwealth of Kentucky, protecting the permittee and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name the City as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advance written notice to the City. Such insurance shall afford minimum limits of one hundred thousand dollars (\$100,000) per person bodily injury, three hundred thousand dollars (\$300,000) per occurrence bodily injury, and twenty-five thousand dollars (\$25,000) per occurrence property damage.
- B. All items listed in the permit application are required annually for renewal of permit.
- C. Not later than thirty (30) days after the filing of a completed application for a permit, the applicant shall be notified by the Mayor, or his/her designee of the issuance or denial of the permit. The Mayor or his /her designee shall consider the standards set forth in this chapter in determining whether to grant a permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing on the application.

LIMITATION ON PERMIT DURATION

- A. Per KAR 902 45:005 of the Kentucky State Food Code, a mobile food unit, (mobile food vendor), shall stay in operation at one location for fourteen (14) consecutive days then the unit must move and cannot return to the same location for thirty (30) consecutive days. Restrooms shall be available near the area of operation.
- B. Neither the mobile food vendor vehicle, nor any portion of a mobile food vendor’s inventory, sales equipment, or any other structure or equipment used in the sales or solicitation process shall be left overnight upon any unenclosed portion of any lot or site within the City of Bardstown, except that it may be stored on property belonging to the owner of the mobile food vendor vehicle in accordance with all other laws and regulations.

REGULATIONS

The City Council may set and enforce additional rules and regulations deemed necessary for the orderly and complete administration of this Ordinance, which are not inconsistent with any of the provisions of this chapter. Such rules and regulations shall be promulgated by Municipal Order.

PERMIT REVIEW

The Mayor has the authority to deny or revoke any Mobile Food Vendor Permit for the following reasons:

- A. Any felony or misdemeanor conviction for the following offenses:
 - 1. Larceny;
 - 2. Assault;

3. Domestic violence crimes;
 4. Fraud;
 5. Sex crimes;
 6. Drug-related crimes;
 7. Crimes against children and/or vulnerable adults;
 8. Any other criminal offenses directly related to fitness for a license or permit;
- B. A history of traffic violations of an applicant for mobile vendor.
- C. Discovery of facts supporting lack of business responsibility or discovery of any reason that the applicant presents a risk to citizens if permitted to engage in activities as a mobile food vendor.
- D. Noncompliance with any applicable City of Bardstown ordinance or regulation provision or state laws, rules or regulations.

PUBLIC PLACE MOBILE FOOD VENDING

The City Council may, by Municipal Order, designate certain public places within the City of Bardstown, which it determines to be suitable from the standpoint of the health and safety of the public, and proper from the standpoint of site characteristics as locations in which mobile food vending activities may be allowed.

Mobile food vendors with a valid Statewide Retail Mobile Food Unit Permit shall be permitted to operate on streets within the City of Bardstown, bounded on both sides by residential zoned areas.

PRIVATE PROPERTY MOBILE FOOD VENDING

Except as provided in “PUBLIC PLACE MOBILE FOOD VENDING” above, mobile food vendors with a valid Statewide Mobile Food Unit Permit, or a Statewide Retail Mobile Food Unit Permit, shall only be permitted on private property, zoned B-1 through B-5, and LIP.

PERMIT CONDITIONS

All mobile food vendors with a permit shall comply with, or be subject to the following:

- A. No permit shall be transferable nor shall such permit authorize activities by any person other than the person to whom it is issued.
- B. Every person to whom a permit is issued shall conform at all times with all applicable City of Bardstown requirements, including without limitation, public health and safety ordinances and regulations; local zoning codes and regulations; local occupational license fee ordinances and regulations; and any other applicable regulation or code provisions.
- C. Any permit issued under this chapter shall be posted conspicuously at the place of business authorized therein.
- D. Permits issued under this chapter shall be valid for the time period specified thereon.
- E. Re-application shall be required upon expiration of a permit if the applicant wishes to continue such activity.
- F. Issuance of a permit under this chapter shall not excuse any permit holder from compliance with any other applicable ordinance or law.
- G. A mobile food vendor must be 18 years or older or if between the age of 14 and 17, inclusive, must submit proof of a valid work permit.
- H. No mobile food vendor may set out chairs or tables or both unless their location is within 100 ft. of a public rest-room.
- I. No mobile food vendor’s vehicle shall be located closer than 20 feet from any building or structure on the licensed property or adjoining property.
- J. No mobile food vendor’s vehicle shall be located on a lot that does not have an approved entrance to a street or roadway.
- K. No mobile food vendor shall operate as a “drive through” business.
- L. No mobile food vendor’s vehicle shall locate closer than 50 feet from flammable combustible liquid or gas storage and dispensing structures.
- M. No mobile food vendor’s vehicle shall locate closer than 100 feet from a City of Bardstown permitted community event or fair, without the written permission of the event organizers.

- N. No mobile food vendor shall locate his or her vehicle within 20 feet of any public right-of-way or within 20 feet of the intersection of any public right-of-way and private driveway.
- O. No mobile food vendor shall conduct business in violation of any zoning, traffic or sidewalk ordinances of the City of Bardstown as now in effect or hereafter amended, or to cause a traffic hazard.
- P. The location used by and for the mobile food vendor, along with the entrance and driveway to the location shall be paved. (to accommodate HS 20 loads)

PARKING

Mobile food vendor's operations shall provide a minimum of two parking spaces. A mobile food vendor shall not locate in any minimum required parking space for other businesses on the site. Parking spaces may not be shared with other uses on the site. If enough parking cannot be provided, the use may not be located on the site.

SIGNAGE

No signs or signage shall be permitted other than that which is permanently painted or adhered to the mobile food vendor's vehicle. (no streamers, pennants, flags, etc.)

HEALTH REGULATION

All mobile food vendors, shall obtain a Kentucky Statewide Mobile Food Unit Permit, or a Statewide Retail Food Unit Permit before a City of Bardstown permit will be issued, and shall comply with all state and local laws, rules and regulations regarding food handling.

MISCELLANEOUS REGULATIONS

- A. No mobile food vendor shall utilize music or other noises in the sale of goods or services, which music or noise may be considered to be unreasonably loud, harsh or excessive and in violation of Chapter 94.20 of the Bardstown Code of Ordinances.
- B. No mobile food vendor shall obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where food is being sold or offered for sale.
- C. All lighting shall be permanently or semi-permanently affixed to the vending facility. No lighting shall be permitted to shine on or into any public right-of-way or other private property, or cause any glare that could be considered a public hazard, nuisance or distraction to vehicular movement, neighboring business operations, or residential uses. No flashing or strobe lighting shall be permitted.
- D. All vendors shall place at least one 30-gallon garbage receptacle upon the site of business for customer use.
- E. Food and beverages shall only be displayed or offered for sale from the vendor's vehicle.
- F. All vehicles shall be equipped with at least one 2A-40 BC fire extinguisher.
- G. At the conclusion of daily business activities, the mobile food vendor shall clean up and remove all debris, trash and litter generated by their business activities.
- H. Every mobile food vendor vehicle shall be totally self contained, with its own potable water supply, its own electric and/or gas generator/supply, and shall not be attached to any exterior utility, including those of any other business at their location. Waste products, (including hot water and drainage from coolers) shall not be poured down a storm drain or a sanitary sewer.
- I. All mobile food vendor vehicles shall be maintained and kept in good operating order and visual appearance, including the removal of graffiti.
- J. In addition to written application, a mobile food vendor shall provide a written authorization from the business owner or authorized representative of the business owner in which the mobile food vendor intends to conduct business on such business owner's property, and the location shall be submitted to the City of Bardstown no less than one business day before use.

IMMUNITY

- A. Nothing contained in this chapter is intended to be nor shall be construed to create any liability on the part of the City of Bardstown or its employees for any injury or damage resulting from the failure of the licensee or permit holder to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City of Bardstown or its employees.

- B. As a condition of issuance, the mobile food vendor agrees to indemnify, hold harmless, and defend the City of Bardstown and its representatives against liability and/or loss arising from activities connected with and/or undertaken pursuant to the permit. The City of Bardstown is not liable for any business loss, property loss, or other damage that may result from use of the permit, or suspension or revocation of the permit, and no mobile food vendor shall maintain any claim or action against the City of Bardstown, its officials, officers, employees, or agents on account of any suspension or revocation.

SEVERABILITY

Each section and provision of this chapter is hereby declared to be independent sections and provisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of said chapter, or the application thereof to any person or business, is held to be invalid, the remaining sections or provisions and the application of such sections or provisions to any person or business other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Additionally, should any license or permit procedure in this chapter be deemed invalid, the substantive regulations, restrictions, and standards contained herein shall not be affected thereby.

Any existing ordinance or parts of ordinance in conflict herewith are repealed to the extent of such conflict.

This ordinance shall be in full force and effect following publication as required by law.

UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN REED, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN REED	-	AYE
COUNCILMAN SIMPSON	-	AYE

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2014-03 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

APPOINTMENTS

Mayor Sheckles recommended the new appointment of Chris Ryan to the Bardstown Tree Board for a three year term. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE APPOINTMENT WAS APPROVED.**

SYMPSON LAKE

Mayor Sheckles presented a proposed ordinance on some new applications that need to be addressed to help keep the lake clean. Prohibiting the use of jet skis and swimming, and reducing the speed of the boats have been suggested. This ordinance will be discussed at the next meeting.

KENTUCKY BLACK CAUCUS LEAGUE

Mayor Sheckles received an email last week confirming that KBC-LEO would hold their Annual Spring Summit in Bardstown on April 25th and 26th.

CEMETERY DEED

One Cemetery deed was presented; two grave sites for Nancy Carol Foster. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE DEED WAS APPROVED.**

COMMITTEE REPORTS

The B.A.N.D. meeting has been rescheduled for Monday, February 03, 2014 at 7:00pm in the Council Chambers. Minutes of the Bardstown Tree Board meeting were distributed.

Councilman Royalty had received a request for a stop sign at the corner of Kurtz and South Elm Grove. Director of Public Works and Engineering Hamilton will address the need with striping the curve to give a visual clue that you

are crossing the lane and to help stay in “your lane” by reducing the speed. If this does not prove satisfactory, then Hamilton will come back to the Council for authorization to place a stop sign at this location.

Councilman Buckman, along with Councilman Royalty, attended a lecture and workshop by Jeff Speck, author of "Walkable City: How Downtown Can Save America, One Step at a Time" in Frankfort that Buckman felt was very informative. Bardstown’s downtown was given a walk score of 77%. He also felt the bike and walk paths meeting, held at the Fiscal Court meeting room on Monday night, was just as informative (standing room only).

ADJOURNMENT

There being no further business to discuss and **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED.**

CITY OF BARDSTOWN

William S. Sheckles, Mayor

ATTEST:

Barbara Bryant, City Clerk